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SENATE BILL 5520

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State of Washington

55th Legislature

1997 Regular Session

By Senator McCaslin

Read first time 01/29/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to intimidation of witnesses; and amending RCW  
2 9A.72.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.72.110 and 1994 c 271 s 204 are each amended to  
5 read as follows:

6 (1) A person is guilty of intimidating a witness if a person  
7 ~~((directs a threat to a former witness because of the witness'~~  
8 ~~testimony in any official proceeding, or if)),~~ by use of a threat  
9 ~~((directed to))~~ against a current or prospective witness ~~((or a person~~  
10 ~~he or she has reason to believe is about to be called as a witness in~~  
11 ~~any official proceeding or to a person whom he or she has reason to~~  
12 ~~believe may have information relevant to a criminal investigation or~~  
13 ~~the abuse or neglect of a minor child, he or she))~~, attempts to:

14 (a) Influence the testimony of that person; ~~((or))~~

15 (b) Induce that person to elude legal process summoning him or her  
16 to testify; ~~((or))~~

17 (c) Induce that person to absent himself or herself from such  
18 proceedings; or

1 (d) Induce that person not to report the information relevant to a  
2 criminal investigation or the abuse or neglect of a minor child, (~~not~~  
3 ~~to prosecute the crime or the abuse or neglect of a minor child,~~) not  
4 to have the crime or the abuse or neglect of a minor child prosecuted,  
5 or not to give truthful or complete information relevant to a criminal  
6 investigation or the abuse or neglect of a minor child.

7 (2) A person also is guilty of intimidating a witness if the person  
8 directs a threat to a former witness because of the witness's role in  
9 an official proceeding.

10 (3) As used in this section:

11 (a) "Threat" (~~as used in this section~~) means:

12 (~~(a)~~) (i) To communicate, directly or indirectly, the intent  
13 immediately to use force against any person who is present at the time;  
14 or

15 (~~(b)~~) (ii) Threat(~~s~~) as defined in RCW 9A.04.110(25).

16 (~~(3)~~) (b) "Current or prospective witness" means:

17 (i) A person endorsed as a witness in an official proceeding;

18 (ii) A person whom the actor believes may be called as a witness in  
19 any official proceeding; or

20 (iii) A person whom the actor has reason to believe may have  
21 information relevant to a criminal investigation or the abuse or  
22 neglect of a minor child.

23 (c) "Former witness" means:

24 (i) A person who testified in an official proceeding;

25 (ii) A person who was endorsed as a witness in an official  
26 proceeding;

27 (iii) A person whom the actor knew or believed may have been called  
28 as a witness if a hearing or trial had been held; or

29 (iv) A person whom the actor knew or believed may have provided  
30 information related to a criminal investigation or an investigation  
31 into the abuse or neglect of a minor child.

32 (4) Intimidating a witness is a class B felony.

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